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14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE DISTRICT OF ARIZONA**

16 MIRIAM FLORES, individually and as  
17 parent of Miriam Flores, a minor child,  
et al.,

18 Plaintiffs,

19 vs.

20 STATE OF ARIZONA, et al.,

21 Defendant.

22 AMERICAN COUNCIL OF  
23 ENGINEERING COMPANIES OF  
24 ARIZONA; and  
25 ASSOCIATED GENERAL  
CONTRACTORS OF AMERICA,  
ARIZONA CHAPTER,

26 Intervenor.

No. CIV 92-596-TUC-RCC

**MOTIONS TO INTERVENE AND  
ALTERNATIVE MOTION TO FILE  
BRIEF *AMICUS CURIAE***

1 **I. MOTION FOR INTERVENTION OF RIGHT.**

2 Pursuant to Rule 24(a), Fed. R. Civ. Proc., American Council of Engineering  
3 Companies of Arizona ("ACEC") and Associated General Contractors of America,  
4 Arizona Chapter ("AGC"), apply to this court to be admitted as Intervenor-Defendants for  
5 the narrow and limited purpose of opposing the specific relief sought by Plaintiffs'  
6 Motion for Sanctions [doc. 296 (Plaintiffs' Motion)], namely Plaintiffs' request that this  
7 Court enjoin Defendant State of Arizona (the "State") from receiving federal highway  
8 funds. ACEC and AGC (collectively, "Intervenors") are member organizations whose  
9 members perform contracts with the State that are funded by the federal monies which  
10 Plaintiffs' seek to have restrained. The interests of their members are directly affected  
11 and those interests would be directly impaired if the relief sought by Plaintiffs were  
12 granted. Moreover, because of the impact and effect of restraining such funds would have  
13 on Intervenors' members is unique as to any current party to the case, Intervenors'  
14 interests are not otherwise adequately represented in the matter.

15 **II. ALTERNATIVE MOTION FOR PERMISSIVE INTERVENTION.**

16 In the alternative, Rule 24(b), Fed. R. Civ. Proc., Intervenors apply to this court to  
17 be admitted as Intervenor-Defendants for the narrow and limited purpose of opposing the  
18 specific relief sought by Plaintiffs' Motion for Sanctions [doc. 296], namely Plaintiffs'  
19 request that this Court enjoin the State from receiving federal highway funds.  
20 Intervenors' claims and defenses have common questions of law with the issues presented  
21 in Plaintiffs motion.

22 **III. ALTERNATIVE MOTION FOR LEAVE TO FILE A BRIEF *AMICUS***  
23 ***CURIAE***

24 In the alternative to both motions to intervene stated above, ACEC and AGC seek  
25 leave of the Court to file a brief *amicus curiae* addressing both the propriety and the  
26

power of this Court to grant the specific relief sought by Plaintiffs' Motion for Sanctions [doc 296], namely Plaintiffs' request that this Court enjoin the State from receiving federal highway funds.

These motions are supported by the accompanying Memorandum In Support of Motions to Intervene and Alternative Motion to File Brief *Amicus Curiae* and the records and files of this Court. In addition, in accordance with Rule 24(c), Fed. R. Civ. Proc., Intervenors have filed the accompanying Memorandum in Support of Motions to Intervene and Alternative Motion to File a Brief *Amicus Curiae*.

RESPECTFULLY SUBMITTED this 18th day of August, 2005.

SNELL & WILMER L.L.P.

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**CERTIFICATE OF SERVICE**

☒ I hereby certify that on August 18, 2005, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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☒ I hereby certify that on August 18, 2005, I served the attached document by mail on the following, who are not registered participants of the CM/ECF System:

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